

PATENT
AMENDMENTRemarksI. Status

In the Office Action dated March 25, 2005, the Examiner: (i) objected to the claim numbering; (ii) rejected to claims 20 [19] and 22 [21] because the limitation "the upgrade object" lacked antecedent basis; (iii) rejected claim 17 [16] as being directed to non-statutory subject matter; (iv) rejected claims 1-5 and 7-25 [6-24] under 35 U.S.C. 102(b) as being anticipated by USPN 5,870,611 to London Shrader et al ("Shrader").

Applicants have amended claims 1-2, 9-10, 12, 15-20, and 22-23; canceled omitted claim 6; and added new claim 26. Claims 1-5 and 7-26 will be pending after entry of this Amendment.

II. Claim Objections

Applicant has canceled the inadvertently-omitted claim 6, rather than renumber claims 7-25, to avoid having to amend every dependent claim. Applicant believes this amendment obviates the Examiner's objection.

III. Claim RejectionsA. Claims 20 and 22

Applicant has amended claims 20 and 22 to recite "the installation object," thereby obviating this objection.

B. Claim 17

Applicant has amended claim 17 to recite "tangible signal bearing media," thereby obviating this objection

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A reference can only anticipate a claim if the reference teaches each and every element of that claim. E.g., MPEP 2131. In this case, Shrader is directed reducing the burden that network installation methods place on the system administrators. *Shrader, col. 1, lines 65-68.* Shrader accomplishes this by decomposing the network installation and configuration planning process into a series of discrete objects that help to abstract the problem and provide an easy, object-oriented, and graphical means by which administrators can set-up and view the applications that are slated to be installed and configured on a set of workstations on the LAN. *Id. at col. 2, lines 7-13.* Put more simply, Shrader provides an 'IDE' for creating the type of installation programs discussed in the background section of the present application.

The present invention, in contrast, is directed at a simple method for installing and upgrading software on a computer system. In conventional installation programs, like those disclosed in Shrader and discussed in the background section of the present application, one program (the installer) installs another program (the application). The present invention, in contrast, is directed at a method of allowing an application to install and/or update itself.

Applicant has amended claims 1, 12, 16-18, and 23 to more distinctly claim the installation and upgrade methods of the present invention. Applicant respectfully submits that Shrader does not anticipate claims 1-5 and 6-26, as amended, at least because Shrader fails to teach:

- "receiving an upgrade object associated with the computer program, the upgrade object including an instruction set adapted for use by the instruction processing module to upgrade the computer program" in *claim 1*;
- "creating an upgrade object associated with the computer program, the upgrade object including an instruction set adapted for use by the script processor to upgrade the computer program" in *claim 12*;

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- "installing a computer program on the computer system, the computer program including a script processing module" and "receiving an upgrade object associated with the computer program, the upgrade object including a script adapted for use by the script processing module and a prerequisite field containing one or more prerequisites" in *claim 16*;
- "an upgrade object configured to upgrade a software program having an instruction processing module, the upgrade object including an instruction set capable of causing the instruction processing module to perform one or more upgrade tasks" in *claim 17*;
- "receiving an installation object associated with the computer program, the installation object including an instruction set adapted for use by the instruction processing module to install the computer program into the instruction processing environment" in *claim 18*; and
- "creating an installation object associated with the computer program, the upgrade object including an instruction set adapted for use by the instruction processing module to install the computer program into the instruction processing environment" in *claim 23*.

Applicant notes that the remaining claims are dependent claims; therefore are not anticipated by Shrader for the reasons discussed above.

IV. Miscellaneous Amendments

Applicant has amended claims 2, 9-10, 15, and 19 to maintain proper antecedent basis in view of the amendments to claims 1, 12, and 16. Applicant has also made several amendments to correct minor typographical and grammatical errors.

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VI. Conclusion

Applicant believes that the present application is now in condition for allowance and respectfully request allowance of each of the pending claims. Applicant also invites the Examiner to call Applicant's attorney at the number listed below if the Examiner believes that a telephone interview would be helpful in expediting allowance of the present application.

Respectfully submitted,

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